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7 Attorney for Debtor-in-Possession  
8 Mr. Tortilla, Inc.

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10  
11 UNITED STATES BANKRUPTCY COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 SAN FERNANDO VALLEY DIVISION

14 In re  
15  
16 MR. TORTILLA, INC.,  
17 Debtor-in-Possession.

18 Case No.: 1:24-bk-10228-VK

19 Chapter 11

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28 **SECOND DECLARATION OF  
ANTHONY ALCAZAR IN SUPPORT  
OF DEBTOR'S MOTION FOR ORDER  
AUTHORIZING CONTINUED USE  
OF CASH COLLATERAL PURSUANT  
TO 11 U.S.C. § 363**

*Continued Hearing Scheduled For:*  
Date: August 1, 2024  
Time: 1:00 p.m.  
Place: Courtroom 301  
21041 Burbank Blvd. Suite 354  
Woodland Hills, CA 91367

TO THE HONORABLE VICTORIA S. KAUFMAN, JUDGE OF THE  
UNITED STATES BANKRUPTCY COURT, TO THE UNITED STATES  
TRUSTEE AND TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS  
OF RECORD:

**DECLARATION OF ANTHONY ALCAZAR**

I, Anthony Alcazar, declare and state as follows:

1. I am the President and Director of Mr. Tortilla, Inc., the Debtor and Debtor-in-Possession (the "Debtor"). I am over the age of 18. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could and would competently testify about what I have written in this declaration.

2. On February 14, 2024 (the “Petition Date”), the Debtor commenced the Chapter 11 Case by filing a voluntary petition under chapter 11 of the Bankruptcy Code. The Debtor operates its business and manage its property as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No official committee of unsecured creditors has been appointed in the Case.

3. On May 9, 2024, Debtor filed its Motion for Order Authorizing Continued Use of Cash Collateral (“Continued Cash Collateral Motion”) [docket no. 166].

4. Debtor's second revised budget in support of the Continued Cash Collateral Motion is attached hereto as Exhibit-1. This revised budget updates and replaces the budget attached to the Continued Cash Collateral Motion, and the budget attached to the May 13, 2024 Declaration of Anthony Alcazar In Support of Debtor's Motion for Order Authorizing Continued Use of Cash Collateral [docket no. 177].

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on July 15, 2024 at San Fernando, California.

Anthony Alcazar

# **EXHIBIT 1**

## Projected Income and Expenses - Mr. Tortilla, Inc.

	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Total
<b>Income</b>							
Amazon FBA Inventory Credit	\$4,620.00	\$4,804.81	\$4,997.00	\$5,196.88	\$5,404.75	\$5,134.51	\$30,157.95
Amazon Gift wrap credits	\$3.89	\$4.05	\$4.21	\$4.38	\$4.56	\$4.33	\$25.42
Amazon Promotional Rebate Refunds	\$666.18	\$692.83	\$720.54	\$749.36	\$779.34	\$740.37	\$4,348.62
Amazon Sales - CAD	\$17,994.88	\$68,674.83	\$69,361.58	\$70,055.20	\$70,755.75	\$71,463.31	\$368,305.54
Amazon Sales - DE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Amazon Sales - UK	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Amazon Sales - US	\$2,667.88	\$2,721.23	\$2,830.08	\$2,943.29	\$3,061.02	\$2,907.97	\$17,131.47
Amazon Sales - Vendor US	\$220,000.00	\$201,954.00	\$208,214.57	\$211,546.01	\$213,873.01	\$211,734.28	\$1,267,321.88
Amazon Shipping Credits	\$65.11	\$67.71	\$70.42	\$73.24	\$76.17	\$72.36	\$425.00
eBay Sales	\$150.61	\$156.63	\$162.90	\$169.41	\$176.19	\$167.38	\$983.11
Other Sales	\$54,027.59	\$64,577.80	\$67,806.69	\$70,518.96	\$73,339.72	\$69,672.73	\$399,943.49
Sales Tax	\$1,054.01	\$1,096.17	\$1,140.01	\$1,185.61	\$1,233.04	\$1,171.39	\$6,880.23
<b>Shopify Promotional Discounts</b>							
Shopify Sales	-\$18,625.00	-\$20,487.50	-\$22,536.25	-\$24,789.88	-\$27,268.86	-\$25,905.42	-\$139,612.91
Shopify Shipping	\$74,500.00	\$81,950.00	\$90,145.00	\$99,159.50	\$109,075.45	\$103,621.68	\$558,451.63
Walmart Sales	\$1,393.00	\$1,532.30	\$1,685.53	\$1,854.08	\$2,039.49	\$1,937.52	\$10,441.92
<b>Gross Income</b>	<b>\$369,018.15</b>	<b>\$419,294.86</b>	<b>\$437,307.29</b>	<b>\$452,641.54</b>	<b>\$467,922.66</b>	<b>\$457,326.80</b>	<b>\$2,603,511.30</b>
<b>Expenses</b>							
Amazon Adjustments	\$23.95	\$91.41	\$95.06	\$98.87	\$102.82	\$106.93	\$519.04
Amazon Carrier shipping label adjustments	\$23.72	\$90.52	\$94.14	\$97.90	\$101.82	\$97.75	\$505.84
Amazon Cost of Advertising	\$14,117.58	\$14,682.28	\$15,269.57	\$15,880.36	\$16,515.57	\$15,854.95	\$92,320.31
Amazon FBA inventory and inbound services fees	\$517.33	\$1,974.32	\$2,053.30	\$2,135.43	\$2,220.84	\$2,132.01	\$11,033.23
Amazon FBA product sale refunds	\$285.98	\$1,091.39	\$1,135.04	\$1,180.44	\$1,227.66	\$1,178.56	\$6,099.07
Amazon FBA selling fees	\$2,441.45	\$9,317.43	\$9,690.13	\$10,077.74	\$10,480.85	\$10,061.61	\$52,069.21
Amazon FBA transaction fees	\$2,371.95	\$9,052.21	\$9,414.30	\$9,790.87	\$10,182.51	\$9,775.21	\$50,587.05
Amazon Promotional Rebates	\$10,985.04	\$11,325.58	\$11,676.67	\$12,038.65	\$12,159.03	\$11,429.49	\$69,614.45
Amazon Refund administration fees	\$7.77	\$29.64	\$30.83	\$32.06	\$33.34	\$32.01	\$165.64
Amazon Service fees	\$252.16	\$962.34	\$1,000.84	\$1,040.87	\$1,082.51	\$1,039.21	\$5,377.93

Amazon Shipping credit refunds	\$4.59	\$17.51	\$18.22	\$18.94	\$19.70	\$18.91	\$97.88
Amazon Vendor Base Co-Op	\$26,400.00	\$24,234.48	\$24,985.75	\$25,385.52	\$25,664.76	\$25,408.11	\$152,078.63
Amazon Vendor Damage Allowance	\$4,400.00	\$4,039.08	\$4,164.29	\$4,230.92	\$4,277.46	\$4,234.69	\$25,346.44
Amazon Vendor Pick Up Allowance	\$6,600.00	\$6,058.62	\$6,246.44	\$6,346.38	\$6,416.19	\$6,352.03	\$38,019.66
Amazon Vendor Invoice Discount	\$4,400.00	\$4,039.08	\$4,164.29	\$4,230.92	\$4,277.46	\$4,234.69	\$25,346.44
Raw Materials	\$69,229.52	\$71,998.70	\$74,878.64	\$77,873.79	\$80,988.74	\$77,749.19	\$452,718.58
Payroll	\$26,470.23	\$84,223.46	\$88,434.64	\$92,856.37	\$97,499.19	\$93,599.22	\$483,083.11
Payroll Taxes	\$2,858.79	\$9,096.13	\$9,550.94	\$10,028.49	\$10,529.91	\$10,108.72	\$52,172.98
Worker's Comp (estimated)	\$842.23	\$1,684.47	\$1,768.69	\$1,857.13	\$1,949.98	\$1,871.98	\$9,974.49
Ebay Fees	\$92.51	\$96.21	\$100.06	\$104.06	\$108.22	\$103.89	\$604.94
PayPal Fees	\$12.25	\$12.74	\$13.25	\$13.78	\$14.33	\$13.76	\$80.10
Sales Tax Expense	\$1,095.12	\$1,138.92	\$1,184.48	\$1,231.86	\$1,281.13	\$1,229.89	\$7,161.40
Shipping, Freight & Delivery	\$29,039.60	\$30,201.18	\$31,409.23	\$32,665.60	\$33,972.22	\$32,613.34	\$189,901.18
Shopify Fees	\$2,681.62	\$2,788.89	\$2,900.44	\$3,016.46	\$3,137.12	\$3,011.63	\$17,536.17
Shopify Refunds	\$1,477.11	\$1,536.19	\$1,597.64	\$1,661.55	\$1,728.01	\$1,658.89	\$9,659.39
Walmart Fulfillment Services	\$791.98	\$823.66	\$856.60	\$890.87	\$926.50	\$889.44	\$5,179.04
Walmart Adjustments	\$10.64	\$11.06	\$11.50	\$11.96	\$12.44	\$11.95	\$69.55
Walmart Commission	\$551.16	\$573.20	\$596.13	\$619.98	\$644.78	\$618.99	\$3,604.24
Walmart Refunds	\$50.13	\$52.13	\$54.22	\$56.39	\$58.64	\$56.30	\$327.82
COGS	\$208,034.39	\$291,242.85	\$303,395.33	\$315,474.14	\$327,613.75	\$315,493.32	\$1,761,253.79



Oliver Bookkeeping	\$3,000.00	\$3,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$10,000.00
Law Offices of Michael Jay Berger - TBD		\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$25,000.00
Payment to Lyneer	\$32,030.06			\$10,000.00	\$10,000.00	\$10,000.00	\$62,030.06
Office of the U.S. Trustee - Quarterly Fees Accruing (estimated)	\$1,345.05	\$1,364.24	\$1,376.61	\$1,531.73	\$1,531.32	\$1,500.18	\$8,649.13
Total Other Expenses	\$156,248.78	\$125,383.56	\$124,015.67	\$135,855.32	\$137,606.83	\$139,397.68	\$818,507.86
<b>Total Expenses</b>	<b>\$364,283.18</b>	<b>\$416,626.42</b>	<b>\$427,411.01</b>	<b>\$451,329.47</b>	<b>\$465,220.58</b>	<b>\$454,891.00</b>	<b>\$2,579,761.65</b>
<b>Net Income</b>	<b>\$4,734.97</b>	<b>\$2,668.44</b>	<b>\$9,896.28</b>	<b>\$1,312.07</b>	<b>\$2,702.08</b>	<b>\$2,435.79</b>	<b>\$23,749.64</b>

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 9454 Wilshire Blvd., 6<sup>th</sup> Fl., Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (*specify* **Second Declaration of Anthony Alcazar in Support of Debtor's Motion for Order Authorizing Continued Use of Cash Collateral**) will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 7/15/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On 7/15/2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 7/15/2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Victoria Kaufman  
United States Bankruptcy Court  
Central District of California  
21041 Burbank Boulevard, Suite 354 / Courtroom 301  
Woodland Hills, CA 91367

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

7/15/2024 Date	Peter Garza Printed Name	/s/Peter Garza Signature
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**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

**Counsel for Debtor:** Michael Jay Berger michael.berger@bankruptcypower.com, yathida.nipha@bankruptcypower.com; michael.berger@ecf.inforuptcy.com

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**U.S. Trustee:** Katherine Bunker kate.bunker@usdoj.gov

**Counsel for Sand Park:** Brian T Corrigan bcorrigan@cormorllp.com, scm@cormorllp.com

**Counsel for Spartan Business Solutions:** Anthony F. Giuliano afg@glpcny.com

**Counsel for 8fig Inc.:** John E Johnson jjohnson@padfieldstout.com

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**Official Committee of Unsecured Creditors Jeffery D Hermann** jhermann@orrick.com, casestream@ecf.courtdrive.com

**Counsel for Blue Bridge:** Jeffrey Garfinkle jgarfinkle@buchalter.com, docket@buchalter.com; lverstegen@buchalter.com

**2. SERVED BY UNITED STATES MAIL**

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Katherine Bunker

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Jersey City, NJ 07302

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